

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MCCLEARY,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

No. C 04-4851 JSW (MEJ)

**ORDER VACATING THE SETTLEMENT  
CONFERENCE ON NOVEMBER 21, 2005**

**MOTION TO ENFORCE THE  
AGREEMENT TO BE HEARD ON  
NOVEMBER 17, 2005**

On August 29, 2005, the Honorable Jeffrey S. White referred this matter for the purposes of determining the terms of the binding settlement reached and placed on the record on May 26, 2005. This Court construes this matter as a Motion to Enforce the Agreement. Accordingly, the Court hereby vacates the November 21, 2005, settlement conference and orders the following:

1. The Motion to Enforce the Agreement shall be heard on November 17, 2005.
2. The parties are hereby ORDERED to obtain a transcript of the May 26, 2005, record.
3. Both parties shall submit their positions and letter briefs to this Court, no later than October 27, 2005.

4. Any opposition shall be filed no later than November 3, 2005.

**IT IS SO ORDERED.**

Dated: October 18, 2005

  
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MARIA ELENA JAMES  
United States Magistrate Judge

United States District Court

For the Northern District of California